

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nicholas Marantz	Team: Team # 5	CCRB Case #: 200403377	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 07/14/2003 11:20 PM	Location of Incident: Cross Bronx Expressway	Precinct: 40	18 Mo. SOL 1/14/2005	EO SOL 1/14/2005	
Date/Time CV Reported Wed, 04/14/2004 2:46 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Wed, 04/14/2004 2:46 PM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. SGT Christopher Schmidt	02029	907284	040 PCT		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A.SGT Christopher Schmidt	Force: Sergeant Christopher Schmidt struck § 87(2)(b) with a gun.				

### Synopsis

§ 87(2)(b) a § 87(2)(b), filed a complaint with the CCRB via mail on April 4, 2004. § 87(2)(b) alleged that on July 14, 2003, Sergeant Christopher Schmidt of the 40<sup>th</sup> Precinct (now Lieutenant Schmidt of the 25<sup>th</sup> Precinct) struck him with a gun on the Cross Bronx Expressway, in the Bronx. The complaint was received at the CCRB on April 14, 2004, and was assigned to the undersigned investigator on April 16, 2004. On April 20, 2004, the undersigned contacted § 87(2)(b)'s criminal attorney, § 87(2)(b), who stated that he did not want § 87(2)(b) to speak with the undersigned until the criminal case was concluded. § 87(2)(b) told the undersigned that he would inform § 87(2)(b) that the CCRB case could be withdrawn and re-opened upon conclusion of the criminal case, or that the CCRB case could be closed as Complainant Uncooperative. The undersigned faxed a Withdraw Complaint letter to § 87(2)(b). On April 23, 2004, the undersigned contacted § 87(2)(b) who stated that he had discussed the matter with § 87(2)(b) and that § 87(2)(b) wished to withdraw the CCRB case. However, § 87(2)(b) had neglected to bring the Withdraw Complaint letter to his meeting with § 87(2)(b). § 87(2)(b) refused to provide a tape recorded withdrawal statement and said that he would sign the letter himself and return it on April 26, 2004. On April 26, 2004, the undersigned contacted § 87(2)(b) who said that § 87(2)(b) had expressed a desire to retain a new attorney. Although § 87(2)(b) did not want the undersigned to speak with § 87(2)(b) he refused to sign the withdrawal letter. As of the undersigned date, § 87(2)(b) remains § 87(2)(b)'s attorney. SI Thelwell spoke with § 87(2)(b) and informed him that if he refused to sign a withdrawal form, the complaint would be closed as Complainant Uncooperative. § 87(2)(g)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: